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Our ref: PP_2013_GLAKE_001_00 (13/18825)
Your ref: SP-PP-08

Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Dear Mr Handford,

Planning proposal to amend Great Lakes Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 November 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone 17 hectares of land currently zoned 1(a) Rural under the Great Lakes LEP 1996 and proposed RU2 Rural Landscape under the Great Lakes LEP 2013 to R5 Large Lot Residential.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Brian Murphy of the regional office of the department on 02 4904 2700.

Yours sincerely,



Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

5 December 2013

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2013_GLAKE_001_00): to rezone 17 hectares from 1(a) Rural and RU2 Rural Landscape under the Great Lakes Local Environmental Plan 2013

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Great Lakes Local Environmental Plan (LEP) 2013 to rezone 17 hectares of land currently zoned 1(a) Rural under the Great Lakes LEP 1996 and proposed Ru2 Rural Landscape under the draft Great Lakes LEP 2013 to R5 Large Lot Residential should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal shall be updated to consider the outcomes of the following studies:
 - a study of the current ecological attributes
 - a traffic assessment outlining potential traffic impacts from the rezoning
 - an Aboriginal heritage assessment
 - a contamination assessment
 - a stormwater management plan
 - a noise and odour assessment in regards to potential adjacent industrial land use conflicts
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Midcoast Water
 - NuEnergy
 - Telstra
 - Kaurah Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

Once the above consultation with public authorities has been undertaken, Council is to update the planning proposal to reflect the outcomes of the work and consultation undertaken prior to exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified



in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

5th

day of

December

2013.

Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Great Lakes Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_GLAKE_001_00	Planning proposal to rezone 17 hectares of land currently zoned 1(a) Rural under the Great Lakes LEP 1996 and proposed RU2 Rural Landscape under the Great Lakes LEP 2013 to R5 Large Lot Residential.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 5 December 2013

Neil Selmon
Acting Executive Director
Rural & Regional Planning
Planning Operations & Regional Delivery

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_GLAKE_001_00
Date Sent to Department under s56	13.11.2013
Date considered at LEP Review Panel	05.12.2013
Gateway determination date	05/12/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: